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10 **UNITED STATES DISTRICT COURT**

11 **DISTRICT OF NEVADA**

12 FLOYD WALLACE,
13 Plaintiff,
14 vs.
15 LAS VEGAS METROPOLITAN POLICE
16 DEPARTMENT; STATE OF NEVADA;
17 CHRISTIAN TORRES; JASON
18 SHOEMAKER; CORY MCCORMICK and
19 DOES 1 to 50, inclusive,
20 Defendants.

21 Case Number:
22 2:23-cv-00809-APG-NJK

23 **DEFENDANT LVMPD'S OPPOSITION**
TO PLAINTIFF'S AMENDED
MOTION FOR RULE 11 SANCTIONS
ON LVMPD AND THEIR COUNSEL
(ECF NO. 22)

24 Defendant Las Vegas Metropolitan Police Department (“LVMPD”), by and through
25 its attorney of record, Craig R. Anderson, Esq. of Marquis Aurbach, hereby files its
26 Opposition to Plaintiff’s Amended Motion for Rule 11 Sanctions on LVMPD and Their
27 Counsel (“Motion for Sanctions”). (ECF No. 22.)

28 **MEMORANDUM OF POINTS AND AUTHORITIES**

1 **I. INTRODUCTION**

2 Plaintiff Floyd Wallace (“Wallace”) is seeking Rule 11 sanctions against LVMPD
3 and its attorney. On July 17, 2023, LVMPD filed a motion (separated into two motions)
4 requesting an order from this Court precluding non-party and non-attorney Jose DeCastro
5 (“DeCastro”) from practicing law without a license and, as a sanction for DeCastro’s
6 involvement, striking Wallace’s Complaint (the “Motion to Strike”). According to Wallace’s
7 Motion for Sanctions, “LVMPD has no factual basis for their [sic] claims” DeCastro is
8 directing his litigation and DeCastro has only “pa[id] my filing fee” and “courie[d] my

1 compliant to court.” (ECF No. 22 at Ex. at 1 at 2:21-23.) Either DeCastro or Wallace is
 2 misrepresenting DeCastro’s involvement in this litigation.

3 When LVMPD filed its Motion, DeCastro was posting videos on his YouTube
 4 channel bragging about assisting Wallace in suing. Since the filing of LVMPD’s Motion(s),
 5 additional evidence has surfaced supporting LVMPD’s allegations. Specifically:
 6 (1) DeCastro is recorded telling LVMPD officers he is “assist[ing]” Wallace in suing
 7 LVMPD, and he is “the man right behind” the lawsuit; (2) DeCastro has posted several
 8 videos on his YouTube channel claiming he is assisting Wallace in this litigation and that he
 9 intends to help Wallace sue other police departments; and (4) DeCastro has bragged he
 10 “sue[s] cops all across the country” on behalf of others. In addition, it is unclear who is
 11 filing Wallace’s pleadings in this Court’s e-filing system. Wallace has never been granted
 12 permission to electronically file, however he continues to e-file documents from an
 13 unknown account, and it is believed that his most recent filings occurred while Wallace was
 14 incarcerated in another jurisdiction. Coincidentally, DeCastro has received permission to e-file
 15 in his unrelated lawsuit against LVMPD.

16 In short, substantial evidence supports LVMPD’s allegations and its request to strike
 17 Wallace’s pleadings. At a minimum, LVMPD’s Motion is certainly not frivolous, sanctions
 18 are inappropriate, and Wallace’s Motion for Sanctions must be denied. If this Court is
 19 concerned about DeCastro’s involvement, it should order an evidentiary hearing and order
 20 both Wallace and DeCastro to attend and testify under oath.

21 II. **RELEVANT FACTS AND PROCEDURAL HISTORY.**

22 A. **THE SUBJECT INCIDENT AND PROCEDURAL HISTORY.**

23 1. **The subject incident.**

24 According to Wallace’s complaint, on May 10, 2023, he went to the LVMPD’s
 25 Spring Valley Area Command Center (“SVACC”) to record police officers. (ECF No. 1 at
 26 ¶17) Wallace covered his face with a mask. (*Id.* at ¶33.) He then positioned himself at a gate
 27 with signs clearly prohibiting public access. (*Id.* at ¶17.) Wallace then began filming the
 28 arrival of police vehicles. (*Id.* at ¶¶18-19.) Eventually, a person in plain clothes approached

1 Wallace and “asked Plaintiff was he was doing.” (*Id.* at 19.) Wallace ignored the individual
 2 and never said a word. (*Id.* at ¶¶19-21.) He eventually returned to a public sidewalk. (*Id.* at
 3 ¶22.)

4 While on the sidewalk, Wallace was stopped by multiple uniformed police officers.
 5 (*Id.* at ¶¶24-25.) An officer approached Wallace with a drawn gun, instructed him to the
 6 front of a police car, and handcuffed him. (*Id.* at ¶¶24-27.) Wallace was told he was being
 7 detained on “reasonable suspicion” because video surveillance showed him trying to enter a
 8 gate not open to the public. (*Id.* at ¶27.) As the officers frisked Wallace for weapons, he
 9 “assert[ed] his right not to have his wallet searched . . . and asked for supervisor.” (*Id.* at
 10 ¶¶29-32.) Wallace refused to provide his identity. (*Id.* at ¶32.) When the officers threatened
 11 Wallace with arrest for obstruction and failing to identify, Wallace “provide[d] his name and
 12 birthday under threat of arrest.” (*Id.* at ¶35.) Wallace claims the officers racially profiled
 13 him, accused him of being a terrorist, and a possible auto thief. (*Id.* at ¶¶35-41.) Eventually,
 14 Wallace was arrested. (*Id.* at ¶46.) Wallace was transported to jail and released with a
 15 citation. (*Id.* at ¶48.) The charges were eventually dropped.

16 **2. Procedural history.**

17 Wallace filed his Complaint on May 24, 2023. (ECF No. 1.) The Complaint alleges
 18 the following claims for relief: (1) 42 U.S.C. § 1983 false arrest and excessive force;
 19 (2) § 1983 equal protection violation; (3) § 1983 First Amendment violation; (4) a *Monell*¹
 20 claim against LVMPD; (5) § 1981 claim for racial discrimination; (6) state law assault and
 21 battery; (7) state law false imprisonment; (8) state law invasion of privacy; and (9) state law
 22 negligence.

23 On July 17, 2023, LVMPD filed a Motion to Dismiss all claims. (ECF No. 8.) That
 24 same day, LVMPD filed a Motion to Preclude Jose DeCastro from Practicing Law Without
 25 a License and a Motion to Strike Plaintiff’s Complaint as an Improperly Filed Pleading.
 26 (ECF Nos. 10 and 11.) On July 24, 2023, Wallace filed his Motion to Extend Time to
 27

28 ¹ *Monell v. Dep’t. of Soc. Servs. of City of New York*, 436 U.S. 658 (1978).

1 Respond to LVMPD's Motion to Strike Plaintiff's Complaint. (ECF No. 14.) Included in
 2 Plaintiff's Motion to Extend Time, was a Memorandum of Points and Authorities arguing
 3 LVMPD's Motion to Strike was frivolous. (*Id.*) Wallace now claims this filing constituted
 4 Rule 11 service for his current sanctions motion. (ECF No. 22 at 2:6-7.) On August 10,
 5 2023, Wallace filed his current Amended Motion for Rule 11 Sanctions on Defendant
 6 LVMPD and their Counsel; Declaration of Floyd Wallace in Support. (ECF No. 22.)

7 **B. FURTHER EVIDENCE OF DECASTRO'S UNAUTHORIZED
 8 PRACTICE OF LAW.**

9 LVMPD's Motion to Strike sets forth circumstantial evidence supporting LVMPD's
 10 belief that DeCastro is authoring Wallace's pleadings. After LVMPD filed its Motion, it
 11 discovered additional evidence supporting its contentions. The following summarizes the
 12 new evidence.

13 **1. Wallace and DeCastro go to LVMPD's Spring Valley Command
 14 Center.**

15 On May 11, 2023, the day after Wallace's arrest, Wallace and DeCastro went back to
 16 SVACC and confronted the on-duty sergeant, Mark Pretti ("Sgt. Pretti"), regarding
 17 Wallace's arrest. Sgt. Pretti met Wallace and DeCastro in the SVACC lobby. Sgt. Pretti's
 18 body worn camera captured the encounter, and both DeCastro and Wallace filmed the
 19 interaction with their cellphones. (Sgt. Pretti BWC I, attached as **Exhibit A²**.) After asking
 20 Sgt. Pretti to identify himself, DeCastro stated "This is Floyd, he is going to file a complaint
 21 today" because "you guys wrongfully arrested him yesterday." (*Id.* at T21:34:20-27Z.)
 22 DeCastro then told the sergeant, "You can look up my name, it's DeCastro versus Las Vegas
 23 Metro Police Department."³ (*Id.* at T21:34:27-32Z.) He then admitted "What *I am going to*
 24 *do is assist Floyd in suing you guys.*" (*Id.* at T21:34:32-35Z.) The sergeant responded
 25 "okay." (*Id.*)

26 _____
 27 ² Submitted with Exhibit A is Sgt. Pretti's declaration authenticating his body worn camera video.
 28 ³ Presumably DeCastro was referring to his own lawsuit against LVMPD. See *DeCastro v. Las
 29 Vegas Metro. Police Dep't*, 2:23-CV-00580-APG-EJY.

1 DeCastro, visibly frustrated with Sgt. Pretti's calm reaction to his provocative
 2 conduct, became more agitated and demanded to see Wallace's arresting officer and
 3 challenged Sgt. Pretti stating, "I am right here, come do it to me. Come do it to me Copper.
 4 Come put me in your torture cuffs. I'll sue your ass in five seconds flat⁴." (*Id.* at T21:34:38-
 5 54Z.) DeCastro then (wrongfully) alleged Wallace was arrested "for filming cops" and
 6 reiterated "you arrested this man yesterday, you've got another lawsuit, bro. Look me up! I
 7 am gonna get that son of a bitch who arrested him yesterday . . ." (*Id.* at T21:34:55-35:28Z.)
 8 DeCastro then demanded "complaint forms" for both himself and Wallace. (*Id.* at T21:35:50
 9 – 36:10Z.) Sgt. Pretti responded, "Cool. Let me go get you guys some forms." (*Id.* at
 10 T21:36:10-14Z.) However, before he could leave, DeCastro began to verbally attack a
 11 female receptionist, calling her a "copsucker" and alleging she had violated his unspecified
 12 Fourth Amendment. (*Id.* at T21:36:20-32Z.) When Sgt. Pretti responded, "We are not going
 13 to be insulting her today," DeCastro became angrier, telling Sgt. Pretti he is "tyrant, a thug,
 14 and pig." (*Id.* at T21:36:20-33Z.) DeCastro then threatened if Sgt. Pretti did not "provide the
 15 services" he is paid to provide, "I will sue you by tomorrow." (*Id.* at T21:36:34-54Z.) As
 16 Sgt. Pretti left to get DeCastro and Wallace their requested forms, Wallace asked the
 17 sergeant to identify himself a second time, which the sergeant did. (*Id.*) This is the only time
 18 DeCastro allowed Wallace to speak.

19 Several minutes later, Sgt. Pretti returned to the lobby with the requested complaint
 20 forms. (Sgt. Petti BWC II, Ex. A.) Sgt. Pretti provided DeCastro and Wallace with both a
 21 voluntary statement form and an LVMPD Internal Affairs form. (*Id.* at T21:46:10-27Z.) In
 22 response, DeCastro began to incoherently recite legal case names, harass the receptionist,
 23 and insinuate Wallace's arrest was racially motivated. (*Id.* at T21:46:30 – 48:20Z.) After
 24 Wallace took his complaint forms, DeCastro began ranting about how police officers handle
 25 DUI "crackdowns", "drugs", and "domestic violence." (*Id.* at T21:48:30 – 45 Z.) Relevant
 26 to Wallace's lawsuit, DeCastro told Sgt. Pretti to inform the officers who arrested Wallace

27 ⁴ "Torture cuffs" is a phrase used by DeCastro to reference handcuffs. See DeCastro's website
 28 endtorturecuffs.com.

1 that “when [Wallace] sues them, *I am the man right behind him.*” (T21:49:15 – 26Z.)
 2 DeCastro then began to repeat his threats. (T21:49:27 – 52:10Z.) When Sgt. Pretti asked to
 3 speak with Wallace, DeCastro responded “I am a constitutional law scholar, *I sue cops all*
 4 *across the country* and now you are going to get sued again [for arresting Wallace].” (*Id.* at
 5 T21:52:10-25Z.) DeCastro then, referring to Wallace’s arresting officers, “*I am going to get*
 6 *their names*, and they are going to get sued in a federal civil rights lawsuit.” (*Id.* at
 7 T21:52:20-29Z.)

8 **2. Wallace’s ECF Filings.**

9 Wallace has never received permission to utilize the Court’s ECF e-filing system.
 10 Despite this fact, an unidentified user is filing documents on Wallace’s behalf. It is known
 11 DeCastro received ECF filing privileges in his personal lawsuit against LVMPD. *See*
 12 *DeCastro v. Las Vegas Metro Police Dep’t*, 2:23-cv-00580-AGG-EJY, ECF No. 5.

13 **3. Circumstantial evidence of DeCastro’s unauthorized acts.**

14 DeCastro brags he is a “constitutional law scholar” who files lawsuit “across the
 15 country” on behalf of others. One of Wallace’s most recent filings refers to DeCastro as a
 16 “well-known constitutional law scholar.” (ECF No. 23 at 2:6.) LVMPD’s research has
 17 revealed no evidence DeCastro is a licensed attorney or has ever received any formal
 18 training. DeCastro admits in his YouTube channel he is not a lawyer, has no advanced
 19 degrees, and obtains his constitutional scholarship from the internet.

20 DeCastro operates a YouTube channel called Delete Lawz where he is a prolific
 21 poster. According to DeCastro, on or around August 5, 2023, Wallace was arrested in
 22 Texarkana, Arkansas. DeCastro, on his YouTube channel, Delete Lawz, hosted a livestream.
 23 DeCastro played a recording of his call to the Arkansas jail. (Delete Lawz, LIVE Tonight:
 24 Interview With @WaltCoACT1983; Rankin County, MS at 2:04:20, Ex. A.) According to
 25 DeCastro, he intended to go to Arkansas and “start to put together the lawsuit to sue those
 26 filthy pigs” on Wallace’s behalf. (*Id.* at 2:12:3-35.) Interestingly, it is believed that Wallace
 27 was still incarcerated in Arkansas when his current Motion for Sanctions was e-filed by an
 28

1 unknown party from an unknown account. However, DeCastro posted on his YouTube
 2 channel a photo that says, “I actually work for Floyd Wallace Right [Now].” (**Exhibit B.**)

3 Over a year ago, DeCastro posted another video claiming he was driving to Plano,
 4 Texas, where “I am filing a federal civil rights lawsuit” on behalf of another individual.
 5 DeCastro admitted to assisting the potential plaintiff with the assistance of his “law partner”
 6 “Bobby Law”, “X-factor”, and “Shawna.” (Delete Lawz: Filing Federal Civil Rights
 7 Lawsuit - Dallas, Texas \$400 Fundraiser at 0:00:00 – 02:00, Ex. A.) DeCastro posts video
 8 instructing individuals on how to file lawsuits. (*See e.g.*, Delete Lawz: How to Submit your
 9 Paperwork to see if there is a Civil Rights Lawsuit, Ex. A.)

10 In 2022 in Ohio, DeCastro was accused of the unauthorized practice of law. The
 11 Supreme Court of Ohio’s Disciplinary Counsel concluded DeCastro “likely engaged in the
 12 unauthorized practice of law” but chose not to pursue the matter because “it is unlikely that
 13 Mr. DeCastro would respond to a complaint to appear . . . as evidenced by Mr. DeCastro’s
 14 evasion of [an] Ohio warrant for his arrest.” (8/31/2022 Letter from The Supreme Court of
 15 Ohio Disciplinary Counsel, **Exhibit C.**)

16 Finally, according to DeCastro he brings these lawsuits to harass and damage the
 17 reputations of officers and force governmental entities to incur unnecessary costs and fees.
 18 Although he claims he wants to win the lawsuits, he admits his main purpose is running up
 19 legal fees and costs for the defendants. (Delete Lawz: Let’s Watch Some Videos Sunday
 20 Fun-Day, at 02:51:00-02:53:00, Ex. A.)

21 In sum, there is substantial evidence that DeCastro is filing and pursuing lawsuits on
 22 both his own behalf and the behalf of others. The evidence in this case leads to the
 23 reasonable conclusion that he is currently “work[ing] for Floyd Wallace.”

24 **III. RULE 11 LEGAL STANDARDS**

25 “Federal Rule of Civil Procedure provides for the imposition of sanctions when a
 26 filing is frivolous, legally unreasonable, or without factual foundation, or is brought for an
 27 improper purpose.” *Team 125, Inc. v. Eastern Airlines, LLC*, 2023 WL 2613756, *2 (D.
 28 Nev. Mar. 22, 2023) (quoting *Estate of Blue v. Cnty. of Los Angeles*, 120 F.3d 982, 985 (9th

1 Cir. 1997). “Frivolous filings are ‘those that are both baseless and made without a
 2 reasonable and competent inquiry.’” *Id.* A filing is not frivolous so long as the filing (1) “is
 3 not being presented for any improper purpose, (2) the “legal contentions are warranted by
 4 existing law”; (3) “the factual contentions have evidentiary support, or if specifically so
 5 identified, will likely have evidentiary support after a reasonable opportunity for further
 6 investigation or discovery”; and (4) the “factual contentions are warranted on the evidence
 7 or, if specifically so identified, are reasonably based on belief or a lack of information.” *See*
 8 Fed. R. Civ. P. 11(b).

9 **IV. LEGAL ARGUMENT**

10 Wallace argues LVMPD lacks a good faith basis to ask this Court to strike his
 11 Complaint because “LVMPD has no factual basis for their claims” DeCastro is ghostwriting
 12 or otherwise assisting Wallace with his pleadings. (ECF No. 22 at Ex. 1, pp. 2-3.) Wallace is
 13 wrong.

14 **A. LVMPD HAS A GOOD FAITH BASIS FOR ITS ALLEGATIONS.**

15 Wallace carefully avoids DeCastro’s actual involvement in his litigation. His filing
 16 does not include a declaration or affidavit from himself or DeCastro disavowing LVMPD’s
 17 allegations. Rather, he claims LVMPD’s Motion is frivolous because LVMPD failed to
 18 support its “factual assertions [with] a declaration or affidavit and the attached documents
 19 has no authentication.” (ECF No. 22 at Ex. 1 at 2:6-9.) Further, Wallace claims LVMPD’s
 20 Motion is frivolous because LVMPD did not authenticate its exhibits, relies on hearsay, and
 21 “a supporting declaration must be served with the motion.” (*Id.* at Ex. 1 at 2:8-14.)
 22 Unsurprisingly, Wallace fails to cite to any legal authority supporting his argument.

23 Wallace’s Motion for Sanctions demonstrates a complete lack of understanding of
 24 Rule 11. The Rule clearly states that a filing is not frivolous so long as the filer has or “*will*
 25 *likely have* evidentiary support after a reasonable opportunity for further investigation or
 26 discovery.” Fed. R. Civ. P. 11(b). There is no requirement a moving party must support their
 27 allegation with a declaration or affidavit or that exhibits must be authenticated.
 28 (Interestingly, Wallace did not dare provide an affidavit or declaration stating DeCastro was

1 not drafting and filing his pleadings.) As set forth by the documents and videos, LVMPD
 2 has compelling evidence DeCastro is ghostwriting, filing, and/or otherwise orchestrating
 3 Wallace's pleadings.

4 Wallace represents DeCastro's only involvement is "paying my filing fee" and
 5 "couriering my compliant to the court." (ECF No. 22 at Ex. 1 at 2:21-23.) Wallace's
 6 representations on this issue are problematic, because DeCastro disagrees. According to
 7 DeCastro (1) he is the "constitutional scholar" "behind" Wallace's lawsuit, (2) he is
 8 "assisting" Wallace with the lawsuit, (3) he has a "law partner" and "legal team" that
 9 includes "Bobby Law", "X-Factor", and "Shawna"; and (4) he is currently "work[ing] for
 10 Floyd Wallace" and intends to sue other agencies on Wallace's behalf. Thus, if Wallace's is
 11 being truthful in his recent filings, his dispute is really with DeCastro constantly taking
 12 credit for Wallace's actions in this lawsuit and claiming to be the driving force behind it.
 13 DeCastro is either misrepresenting his role to LVMPD and his YouTube viewers, or
 14 Wallace is misrepresenting facts to this Court. The duo's inconsistencies on the issue are
 15 enough warrant an in-person evidentiary hearing.

16 **B. WALLACE'S ECF FILINGS ESTABLISH DECASTRO (OR
 17 SOMEONE ELSE) IS ENGAGING IN THE UNAUTHORIZED PRACTICE
 OF LAW ON WALLACE'S BEHALF.**

18 Wallace has never requested authorization to file electronically. *See generally* Court
 19 Docket. Despite this fact, Wallace has continuously e-filed through an unidentified account.
 20 (*See e.g.*, ECF No. 14, 15, 19, and 21.) Coincidentally, DeCastro has been granted electronic
 21 filing rights in his case. *See DeCastro v. Las Vegas Metro Police Dep't.*, 2:23-cv-00580-
 22 APG-EJY, ECF No. 5.⁵

23 Nevada Local Rules IC set forth the rules for electronic case filing. (*See LR IC -*
 24 *Electronic Case Filing*) According to LR IC 2-1, "A pro se litigant may request the court's
 25 authorization to register as a filer in a specific case." *See LR IC 2-1(c)*. According to LR IC

26 ⁵ Although DeCastro received permission to file, the Court's Order states, "Plaintiff is not authorized
 27 to file electronically until the Consent form is submitted within the time frame specified." *DeCastro*
 28 *v. Las Vegas Metro Police Dep't.*, 2:23-cv-00580-APG-EJY, ECF No. 5. DeCastro has ignored that
 part of the order and has regularly filed his pleadings using the ECF system in his case.

1 2-1(c), a plaintiff “who is not registered as a filer must file documents by delivering
2 originals of the documents to the clerk’s office by hand delivery, U.S. Mail, or similar
3 carrier service such as Federal Express.” *See LR IC 2-1(c)*. “Any attorney or other applicant
4 seeking to become a filer must submit a completed registration form available on the court’s
5 website . . .” *LR IC 2-1(d)*. The filer then receives a “login and password to permit the filer
6 to access and file documents.” *LR IC 2-1(e)(1)*. The “filing of a document through the use of
7 an authorized filer’s login and password constitutes the ‘signature’ of that attorney or party
8 for purposes of Fed. R. Civ. P. 11.” *See LR IC 2-1 (i)*. “The court deems the filer’s login and
9 password to be confidential” and “[n]o person is permitted to use a filer’s login and
10 password unless specifically authorized by the filer.” *LR IC 2-1(h)*. Under *LR IC 5-1(b)*,
11 “[t]he signatory must be the attorney or pro se party who electronically files the document.”
12 *See LR IC 5-1(b)*. Pursuant to *LR IC 7-1*, the court may strike documents that do not comply
13 with these rules.

14 Wallace has never been provided a “login or password” permitting him to file
15 documents. Thus, an unknown individual is filing Wallace’s documents via the Court’s ECF
16 system. Whoever is filing Wallace’s documents via the ECF system is considered the author
17 of the filing as “[t]he signature **must be** the . . . pro se party who electronically files the
18 documents.” Thus, whoever is filing Wallace’s documents is practicing law and the person
19 must be an attorney or a pro se litigant with permission. Thus, if DeCastro is filing
20 Wallace’s documents, all of Wallace’s filings in this case should be struck. *See LR IC 7-1*.
21 Finally, upon information and belief, when Wallace’s current Motion for Sanctions was filed
22 on August 10, 2023, Wallace was still incarcerated in Texarkana, Arkansas and was,
23 therefore, unable to personally file the document. In sum, the evidence establishes Wallace
24 is not complying with this Court’s local rules and some third-party is improperly using their
25 “confidential” ECF login and password to file Wallace’s documents.

C. THIS COURT SHOULD DENY ANY SANCTIONS AGAINST LVMPD AND ORDER AN IN-PERSON EVIDENTIARY HEARING ON THESE ISSUES.

Wallace has not met his burden on Rule 11 for sanctions. LVMPD has a valid basis for its assertions. In fact, it appears Wallace's real complaint is with DeCastro for publicly claiming he and his legal team are behind Wallace's lawsuit. Because Wallace and DeCastro disagree with one another as to whether DeCastro is the "man [] behind" Wallace's lawsuit and it is unclear who is filing Wallace's documents, this Court should order an evidentiary hearing and require both Wallace and DeCastro to attend and testify under oath. Further, to ensure no unauthorized practice of law is occurring, this Court should also order DeCastro's legal team of "Bobby Law", "X-factor", and "Shawna" to attend and testify.

11 || V. CONCLUSION

Based upon the above, LVMPD requests that this Court deny Wallace's Motion for Sanctions and, if it is so inclined, order an evidentiary hearing on the issue.

Dated this 22nd day of August, 2023.

MARQUIS AURBACH

By s/Craig R. Anderson
Craig R. Anderson, Esq.
Nevada Bar No. 6882
10001 Park Run Drive
Las Vegas, Nevada 89145
Attorneys for Defendant LVMPD

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **DEFENDANT LVMPD'S
OPPOSITION TO PLAINTIFF'S AMENDED MOTION FOR RULE 11 SANCTIONS
ON LVMPD AND THEIR COUNSEL (ECF NO. 22)** with the Clerk of the Court for the
United States District Court by using the court's CM/ECF system on the 22nd day of August,
2023.

I further certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

I further certify that some of the participants in the case are not registered CM/ECF users. I have mailed the foregoing document by First-Class Mail, postage prepaid, or have dispatched it to a third-party commercial carrier for delivery within 3 calendar days to the following non-CM/ECF participants:

Floyd Wallace
1613 Leopard Lane
College Station, TX 77840
Pro Per

s/Sherri Mong
an employee of Marquis Aurbach

Exhibit A



DECLARATION OF MARK PRETTI

I, Mark Pretti, hereby declare as follows:

3 1. I am over the age of eighteen (18) years of age and have personal knowledge
4 of the facts stated herein, except for those stated upon information and belief, and as to
5 those, I believe them to be true. I am competent to testify as to the facts stated herein in a
6 court of law and will so testify if called upon.

7 2. I am a Sergeant with the Las Vegas Metropolitan Police Department
8 ("LVMPD").

9 3. I file this declaration in support Defendant LVMPD's Opposition to
10 Plaintiff's Amendment Motion for Rule 11 Sanctions on LVMPD and their Counsel (ECF
11 No. 22).

12 4. On May 11, 2023, Floyd Wallace and Jose DeCastro came to LVMPD Spring
13 Valley Area Command Center where I was the on-duty sergeant. I met DeCastro and
14 Wallace in the command center lobby. The entire encounter was captured by my body worn
15 camera.

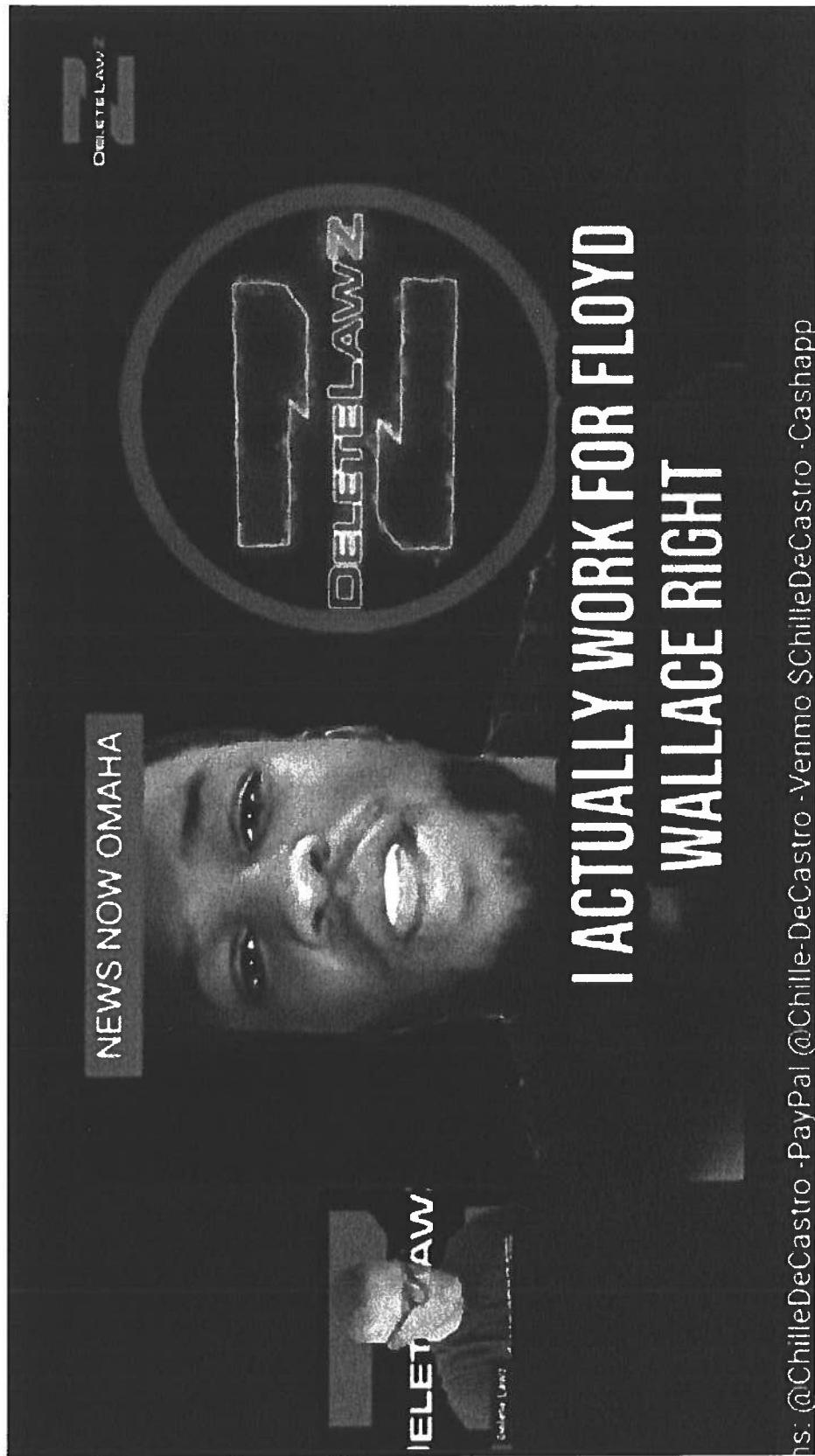
16 5. Attached to this Opposition under Exhibit B is a true and correct copy of the
17 events as captured by my body worn camera.

18 6. Pursuant to NRS 53.045, I declare under penalty of perjury under the laws of
19 the State of Nevada that the foregoing is true and correct.

20 Dated this 21 day of August, 2023.

Mark Prettis

Exhibit B



ns: (@ChilleDeCastro -PayPal (@Chille-DeCastro -Venmo \$ChilleDeCastro -Cashapp

Exhibit C

Disciplinary Counsel
THE SUPREME COURT OF OHIO

DISCIPLINARY COUNSEL
JOSEPH M. CALIGARI

CHIEF ASSISTANT DISCIPLINARY COUNSEL
MICHELLE A. HALL

SENIOR ASSISTANT DISCIPLINARY COUNSEL
AMY C. STONE
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KAREN H. OSMOND



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MICHELLE R. BOWMAN
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ADAM P. BESSLER
MATTHEW A. KANAI
KELLI C. SCHMIDT
MARTHA S. ASSEFF

SPECIAL ASSISTANT DISCIPLINARY COUNSEL
LORI J. BROWN

August 31, 2022

VIA ELECTRONIC MAIL ONLY

Paul Andrew Carroll, Esq.


**Re: Jose DeCastro
Our File No. C2-0693U**

Dear Mr. Carroll:

After investigating your grievance alleging the unauthorized practice of law by Jose DeCastro (under the YouTube channel labeled "DeleteLawz"), we determined that we will not take further action at this time. We reviewed Mr. DeCastro's YouTube video and agree that he likely engaged in the unauthorized practice of law by drafting what purported to be a power of attorney and instructing another person to sign it. However, we have attempted to reach Mr. DeCastro at multiple addresses in California but have been unsuccessful. Additionally, as you may be aware, Mr. DeCastro has an active warrant for his arrest in Lawrence County, Ohio.

After considering all the factors in this case, we believe it is unlikely that we will obtain service on Mr. DeCastro. We also believe it is exceedingly unlikely that Mr. DeCastro would respond to a complaint or appear for proceedings before the Board on the Unauthorized Practice of Law, as evidenced by Mr. DeCastro's evasion of the warrant for his arrest. Further, if the board imposed sanctions through a default judgment, we think it is unlikely that Mr. DeCastro would comply with them. For these reasons, we are exercising our discretion not to start formal proceedings against Mr. DeCastro at this time.

Should we become aware of additional information regarding Mr. DeCastro's activities that might constitute the unauthorized practice of law or if Mr. DeCastro returns to Ohio, we will consider reopening our investigation. Accordingly, we dismissed this matter and closed our file.

Sincerely,



Matthew A. Kanai
Assistant Disciplinary Counsel

MAK/ksl